

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL ALLUMS,

Plaintiff,

V.

CONNERY DAVIS, in his individual and official capacity; ADAM SWAN, in his individual and official capacity; and DAVID YOUNGBLOOD, in his individual and official capacity,

Defendants.

CASE NO. 2:10-cv-00531-SLB

MEMORANDUM OPINION

On August 31, 2012, the Magistrate Judge entered a Report and Recommendation, (doc. 85),¹ recommending that the official capacity claims against defendant Connery Davis (“Davis”), defendant Adam Swan (“Swan”), and defendant David Youngblood (“Youngblood”), as well as the 42 U.S.C. § 1983 claim against defendant Youngblood, be dismissed by agreement of the parties. The Magistrate Judge further recommended that the Motions for Summary Judgment filed by defendant Davis, (doc. 53), defendant Youngblood, (doc. 55), and defendant Swan, (doc. 60), be granted and that the remaining claims asserted against them be dismissed as time-barred. Objections to the Report and Recommendation were filed by defendant Youngblood, (doc. 86), defendant Davis, (doc. 87), defendant Swan, (doc. 88), and plaintiff Michael Allums (“plaintiff”), (doc. 89). On October 23, 2012, in

¹ Reference to a document number, [“Doc. ____”], refers to the number assigned to each document as it is filed in the court’s record.

response to the Objections, the Magistrate Judge entered an “Amendment to the August 31, 2012 Report and Recommendation.” (Doc. 93.) In response to the Amendment, Objections were filed by plaintiff. (Doc. 94.)

The court has personally reviewed and thoroughly considered the entire record in this case, the Report and Recommendation, the Amendment to the August 31, 2012 Report and Recommendation, and the Objections thereto. Upon consideration of the foregoing, the court finds that the findings and conclusions contained in the Report and Recommendation and the Amendment to the August 31, 2012 Report and Recommendation are due to be adopted and accepted. Therefore, the Motion for Summary Judgment filed by defendant Davis, (doc. 53), the Motion to Dismiss, or, Alternatively, for Summary Judgment filed by defendant Youngblood, (doc. 55), and the Motion for Summary Judgment filed by defendant Swan, (doc. 60), are due to be granted. The Objections to the August 31, 2012 Report and Recommendation filed by plaintiff, (doc. 89), and plaintiff’s Objections to the Amendment to the August 31, 2012 Report and Recommendation, (doc. 93), are due to be overruled. An Order in accordance with the aforementioned findings and conclusions will be entered contemporaneously herewith.

DONE this 30th day of September, 2013.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style.

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE